Foot-dragging on jail reform

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TWO YEARS AGO, California overhauled its criminal justice system by shifting responsibility for many felons from the state government to the counties. There is no denying that the change was abrupt. Gov. Jerry Brown signed into law the Public Safety Realignment Act, also known as AB 109, on April 4, 2011, and followed up with a companion bill that fleshed out many of the funding details in June of that year. Counties then had just three months to prepare their jails, their law enforcement agencies and their probation departments to be ready for the Oct. 1 implementation date, after which defendants convicted of lower-level felonies were sent to jails instead of state prisons, and felons released from prison after serving sentences for lower-level crimes came under the supervision of county probation officers instead of state parole agents.

With realignment underway, the California Department of Corrections and Rehabilitation sometimes delayed too long before giving counties notice of felons who were coming home, catching probation departments off-guard and leaving them to scramble to ensure that dangerous people were accounted for. The state prisons, packed with inmates suffering from severe mental illness, released to counties prisoners who were too mentally disordered to be properly supervised by probation officers without specialized training.

It was a lot to deal with in a short period of time. Courts and county governments — boards of supervisors, sheriffs, district attorneys, chief probation officers — deserve some sympathy for the magnitude of the task that began two years ago.

But that sympathy comes with limits. The need for criminal justice reform and a reduction in the prison population has been apparent for decades, and county officials have long known that they were an integral part of the problem and must become a major part of the solution. The solutions were broached, discussed and widely understood for nearly a decade before AB 109: Make sentencing more rational; provide drug rehabilitation, mental health treatment, education and job training to inmates in prison and jail continue it when they have been released to their home communities, and pay for it with savings realized from a lower population of incarcerated people; provide corrections and rehabilitation for lower-level crimes in the community where offenders live and to which they will return. Numerous studies show that corrections handled in the low-level offenders' communities have more successful outcomes at lower costs.

Realignment of prisoners to the local level, using substantially these guidelines, was very nearly adopted during the Schwarzenegger administration, when the prison population peaked. But the different local agencies, prosecutors and courts all bickered and dickered over the details, killing any agreement. With federal court orders in place to eliminate the unconstitutional overcrowding, and with the players well aware of the solutions but unwilling to implement them, the time for a drawn-out deliberation and the chance for careful planning was over. It became apparent that the only two ways to begin changing the broken corrections system were with a direct order and deadline from the federal court, or with "overnight" legislation based on years of discussion and research. Both came to pass.

Los Angeles County, especially, was unprepared for the stress test, with jails in which sheriff's deputies were accused of beating and otherwise abusing inmates, a Probation Department with a large percentage of officers involved in their own disciplinary and even criminal proceedings and a virtual revolving door of top leaders, a Board of Supervisors unhappy about losing their former privilege of sending offenders out of the region and, importantly, deleting the costs of housing and supervising them from the county budget.

Two years later, the county remains woefully behind the curve. Millions of dollars of state AB 109 funding for drug rehabilitation and other community corrections programming remain unspent. The Board of Supervisors has failed thus far to empower the sheriff to free up jail space for convicts by releasing accused nonviolent defendants who are locked up merely because they can't post bail. The Los Angeles County Superior Court, prosecutors and defense lawyers have rejected the opportunity to sentence AB 109 convicts to a portion of their terms in jail and a portion under mandatory substance abuse treatment and education in their communities — an approach known as "split sentencing" — despite evidence that such programs have the most chance of succeeding and of keeping felons from reoffending.

Los Angeles County supervisors and judges have demonstrated their share of resentment about their responsibilities under AB 109, but so far have merely shrugged at the opportunities — funding for community rehabilitation, selective pre-trial release, split-sentencing — that the law provides. Leaders in other counties have used the last two years well. Los Angeles County leaders have used them poorly.

In adopting realignment, California did make two errors: It failed to allocate enough funding for data collection and analysis, leaving counties insufficiently able to quantify what they have and have not achieved; and it provided counties funding without conditions or incentives. The state is now looking at new incentive funding under which counties would be rewarded based on the results they achieve in lowering the number of felons they send to the prisons. It's a smart way to go.

But it may not be enough for Los Angeles County supervisors, who continue to sit on rehabilitation funding while last month leasing space in another county to house 500 more inmates far from home and far from community rehabilitative services. If this county's government were a criminal offender, corrections officials would say it is in need of a short and swift punishment to get its attention, refocus on reality and consider its options for change.

Sheriff chided for role in videos

Baca boosts products for YOR Health, which donated $1,000 to his campaign.

By Robert Faturechi

Los Angeles County Sheriff Lee Baca is being criticized for pitching a dietary supplement for a company that contributed to his campaign.

Videos posted online showed Baca boosting health products from a company called YOR Health. That company donated $1,000 to Baca's political campaign, the sheriff's spokesman said.

The connection was first reported by KCBS-TV Channel 2 and KABC-TV Channel 7 this week. Since those news reports, sheriff's spokesman Steve Whitmore said Baca has asked that the videos be taken down.

Whitmore said Baca was unaware that the company had given him a political contribution and that he endorsed the product only because the sheriff was a fitness fanatic and uses the product.

"He loves the product. His heart was in the right place. The implementation may have been a little overzealous," Whitmore said. "In retrospect, he admits he probably shouldn't have done these videos. Elected officials want to stay above the fray—they don't even want a hint of controversy."

When asked about the online postings by The Times months ago, Whitmore denied that Baca had been paid by the company.

He now acknowledged that in addition to the company's May 2010 contribution to Baca's campaign, the company reimbursed the sheriff $527 for travel expenses to a company event in Las Vegas last year.

The payments, he said, did not affect Baca's endorsement of the product.

"He doesn't know who donates to his campaign," Whitmore said. Baca has not been given any other payment by the company, Whitmore added.

No one at YOR Health could immediately be reached for comment.

In 2011, The Times did an analysis of Baca's gift records and found that he had accepted about $120,000 in gifts and travel reimbursements since becoming sheriff. During a recent three-year span, the analysis showed, Baca accepted significantly more gifts than California's 57 other sheriffs combined.

The donors included executives seeking his agency's business, individuals who later received special treatment from him and even a pair of felons implicated in a massive money-laundering and fraud scheme. Donors gave Baca free rounds of golf, meals and tickets to games.

State law allows local officials to accept gifts, with some restrictions. But government watchdogs pointed out at the time that Baca's willingness to accept so many gifts creates potential conflicts of interest.

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A buffer for bobcats

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CATCHING A GLIMPSE of a bobcat, the exotic wild feline with a bobbed tail that prowls California, is one of the draws for wildlife enthusiasts visiting Joshua Tree National Park. In that park and certain others around the state, bobcats are protected from hunters and trappers throughout the year, a smart rule designed to protect the state's ecosystem and preserve its wildlife from exploitation.

But this year there was an outcry after it became known that bobcat traps were being set just outside the boundaries of Joshua Tree and that trappers were using scented lures and battery-powered pet toys that mimic dying birds to lure the animals out. Trapping bobcats is an increasingly lucrative business as demand for the fur rises in foreign markets, including China, Russia and Greece, driving up the price of a premium belly fur pelt to $700, sometimes more.

AB 1213, the "Bobcat Protection Act," written by Assemblyman Richard Bloom (D-Santa Monica), would address the issue by setting a buffer zone around Joshua Tree — and some other parks and wildlife refuges — in which no trapping would be allowed. The bill was passed by the Legislature and Gov. Jerry Brown should sign it into law.

Even bobcats that spend most of their lives within the boundaries of Joshua Tree wander the periphery as well, foraging and denning and fulfilling their role in the local ecosystem by keeping the rabbit and rodent populations in check.

Clearly the state intended the protected areas to serve as refuges for bobcats — not to provide a convenient, concentrated supply of the animals for commercial trappers. Similarly, the wildlife corridors owned by the state just outside Joshua Tree are meant to provide safe passage for the animals, not to be vulnerable intersections between park entrances and traps; these corridors would be included in the buffer zones.

The bill also makes it illegal to set traps on private property without the written consent of the owners. One of the triggers for this bill was a spate of traps set without permission on private land near Joshua Tree.

Opponents of the bill argue that the bobcat population is more than sufficiently robust. However, the state hasn't counted bobcats since the late 1970s, when it estimated there were 72,000 and allowed 14,400 to be killed. Now the state monitors "harvest" — the number of bobcats killed by hunters and trappers — which has been as high as 11,900 in the 1980s. It's trending up now. The 2011-12 take was 1,800 — a 51% increase over the previous season.

No matter the number of bobcats, the state has committed to setting aside areas where they are as protected as possible without confining them. All this bill does is prohibit trapping at the threshold of these preserves. It deserves to be approved.